IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

MACA.No. 1081 of 2005(C)

OPMV.471/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THODUPUZHA
.....

APPELLANT/PETITIONER:

SAJI P.S., S/O. P.V. SIVAN,
THURUTHEL (H), KODIVELI, THODUPUZH, IDUKKI DIST.

BY ADV. SRI.JOHN NUMPELI (JUNIOR)
SRI.BENNY JACOB

RESPONDENTS: RESPONDENTS:
----

1. MARTIN, S/O. AUGUSTINE,
VELANGUPARAYIL (H), KALIPPARA KARA,
VANNAPPURAM VILLAGE, THODUPUZHA, IDUKKI DISTRICT.

2. BENNY JOSEPH,
KOCHUPURACKAL (H), MULLAKKANAM KARA,
RAJAKKADU, IDUKKI DIST.

3. ORIENTAL INSURANCE CO. LTD.,
KOTHAMANGALAM.

R3 BY ADV. SRI.P.V.JYOTHI PRASAD

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

= = = = = == = = = = = = = = = = = = = = =

M.A.C.A. NO. 1081 OF 2005

= =

Dated this the 19th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Thodupuzha in O.P.(MV) 471/02. The claimant sustained fracture of both bones of right leg and the Tribunal awarded a total compensation of Rs.45,144/- and it is against that decision the present appeal is preferred by the claimant.

2. Heard learned counsel for the appellant. Ext.A5 wound certificate would reveal regarding the fracture of both bones of right leg besides that he had also sustained fracture of nasal bone. He was a sales representative who was having an income of Rs.5,000/-. The certificate produced by him as Ext.A5 was not proved either by examining him or by the person who had issued it. Therefore, the Tribunal fixed the income at Rs.2,000/- in order to calculate the loss of earning for 5 months. It has also awarded the actual expenses incurred for the treatment. There is no

document to prove any sort of disability to the petitioner. After considering the nature of injuries, for pain and sufferings and loss of amenities in life the Tribunal has awarded Rs.14,000/- under that head. The claimant was also additionally compensated by the Tribunal for transportation, damage to clothing, bystanders expense and for extra nourishment. Therefore, we are of the view that the Tribunal has awarded reasonable compensation for the injuries sustained to the claimant. Therefore, the appeal lacks merit and it is dismissed.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

ul/-